

# **Exhibit B**

**As Defendant designated portions of this exhibit as either “Confidential” or “Highly Confidential – Attorneys’ Eyes Only,” pursuant to the Stipulated Protective Order, those designated pages (i.e., pgs. 16, 56-57, 158-165, 172-173, 177, 180, 185, 190 and 193-198) were not publicly filed, but instead were delivered to the Court in a sealed envelope along with Plaintiff’s Motion to File Under Seal.**

**The publicly filed portions of this exhibit constitute pages that Defendant approved for public filing (pgs. 1, 60 and 118) or approved for public filing subject to limited redactions (pgs. 50, 52 and 61).**

Marlyn Elizabeth McGrath - June 18, 2015  
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

vs.

Civil Action No.  
1:14-cv-14176

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION); and  
THE HONORABLE AND REVEREND THE  
BOARD OF OVERSEERS,

Defendants.

- HIGHLY CONFIDENTIAL -

DEPOSITION OF MARLYN ELIZABETH

McGRATH, a witness called by the Plaintiff,  
taken pursuant to the applicable provisions of  
the Federal Rules of Civil Procedure, before  
James A. Scally, RMR, CRR, a Notary Public in  
and for the Commonwealth of Massachusetts, at  
the offices of WilmerHale, 60 State Street,  
Boston, Massachusetts, on Thursday, June 18,  
2015, commencing at 9:00 a.m.

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1 Q. Is there anyone on the staff who has general  
2 responsibility for alumni interviewers?

3 A. Yes.

4 Q. Who's that?

5 A. Currently that role is in the hands of a  
6 , who administers communications with alumni  
7 interviewers.

8 Q. Do you know when took over that role?

9 A. Two years ago.

10 Q. Okay. Who served in that role before ?

11 A. Her predecessor was a woman whose name is  
12 , who left Harvard.

13 Q. Is her departure the reason that took  
14 over --

15 A. Yes.

16 Q. -- that responsibility?

17 A. Yes.

18 Q. Do you know why left the department?

19 A. She went to graduate school. Or she went -- she  
20 went to another institution in Boston, and I think she was  
21 working in graduate school. To be honest, I'm not sure.  
22 She left to go to another institution.

23 Q. Do you know which institution that was?

24 A. I think it may have been NEC, the New England

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1 A. Yes.

2 Q. I'm completely lost here. So let me --

3 A. It's unusual.

4 Q. And that committee identifies alumni interviewers  
5 for the entire country or --

6 A. No.

7 Q. Okay.

8 A. No.

9 Q. So --

10 A. They identify in their own local area for which  
11 that person is responsible. A responsibility is to  
12 identify other Harvard alumni in the area who would be  
13 helpful in recruiting and reaching out to and interviewing  
14 potential candidates for admission and candidates for  
15 admission.

16 Q. And are the alumni they identify and provide, is  
17 there a list provided to the admissions office?

18 A. Yes.

19 Q. Okay. And this is presumably after the local  
20 committee has solicited, you know, interest and gotten back  
21 feedback that this person would be interested in serving as  
22 an alumni interviewer?

23 A. Yes.

24 Q. Is that generally provided to or to

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1 A. I do not think so. I am not aware of that factor.

2 Q. Do alumni interviewers provide -- do alumni  
3 interviewers provide feedback on the interview following  
4 its completion?

5 A. Do -- I'm sorry. Would you mind repeating the  
6 question?

7 Q. Do alumni interviewers provide some sort of report  
8 or feedback --

9 A. Oh.

10 Q. -- on the interview once it's completed?

11 A. I'm sorry. I should have understood the question,  
12 the basic question. Yes. An interview report is  
13 submitted.

14 Q. Is that a formal document? Is it a form?

15 A. Yes.

16 Q. Okay.

17 A. Typically.

18 Q. And is it typically submitted electronically?

19 A. Yes.

20 Q. Okay. And is it like a form that you fill out  
21 online, or is it a form that gets scanned in and sent in?  
22 What's the format?

23 A. Generally online, submitted directly online.

24 Q. Okay. So you log into a website and you fill out

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1 some fields and then you click "Send" --

2 A. Yes.

3 Q. -- and it goes?

4 A. What I was referring to earlier is the alumni  
5 website is designed heavily around that transaction.

6 Q. Okay. And where do those formalized reports land  
7 in the admissions office?

8 A. They land in that database maintained by  
9

10 Q. And does it essentially populate the comments from  
11 the alumni interviewer?

12 A. Yes.

13 Q. And then is that made part of the admissions file  
14 that is subsequently considered?

15 A. Yes. And -- yes.

16 Q. Okay.

17 MR. WOLFSON: Could we take a brief  
18 break? Would this be a good time?

19 MR. STRAWBRIDGE: That would be fine.

20 MR. WOLFSON: That would be great.

21 MR. STRAWBRIDGE: Five minutes?

22 MR. WOLFSON: Sure.

23 (Recess: 10:17 a.m. to 10:30 a.m.)

24 BY MR. STRAWBRIDGE:

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1 mail, and people regularly complain about not being  
2 admitted. And they, as I said a minute ago, have various  
3 arguments to make about that. And so it's hard for me to  
4 remember or distinguish one from another.

5 Q. What kind of a response do you give -- answer do  
6 you give when you receive those types of complaints?

7 A. We explain that the process is holistic and  
8 complex, and we have many fine applicants, and we have a  
9 committee process that can choose only a few.

10 Q. Is there standard language that's used to respond  
11 to any of those types of complaints?

12 A. We do guide our staff in standard language,  
13 various versions of which seem -- whichever one seems most  
14 appropriate to what's being asked for.

15 Q. So is there -- is there a sample letter or  
16 language that's maintained electronically?

17 A. Yes. We have sample letters that we have shared  
18 with them.

19 Q. Do you recall receiving any of those complaints  
20 from other faculty members?

21 MR. WOLFSON: Objection.

22 A. I don't remember receiving complaints from faculty  
23 members, except general complaints about "Can you tell me  
24 why you didn't take Mary Smith, who I wrote you a letter